

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**Form 1. Notice of Appeal from a Judgment or Order of a
United States District Court**

Name of U.S. District Court: Northern District of California

U.S. District Court case number: 4:25-cv-03769 (HSG)

Date case was first filed in U.S. District Court: 4/30/2025

Date of judgment or order you are appealing: 5/14/2025

Fee paid for appeal? (*Appeal fees are paid at the U.S. District Court*)

Yes No IFP was granted by U.S. District Court

List all Appellants (*List each party filing the appeal. Do not use "et al." or other abbreviations.*)

DONALD FRY, KATHERINE ARCELL, JOSE BRITO, JAN-MARIE BROWN,
ROSEMARY D'AUGUSTA, PAMELA FAUST, CAROLYN FJORD, DON
FREELAND, MICHAEL MALANEY, LEN MARAZZO, LISA MCCARTHY,
TIMOTHY NIEBOER, DEBORAH PULFER, BILL RUBINSONH,

Is this a cross-appeal? Yes No

If Yes, what is the first appeal case number?

Was there a previous appeal in this case? Yes No

If Yes, what is the prior appeal case number?

Your mailing address:

Joseph M. Alioto, Alioto Law Firm, 1 Sansome Street, 35th Floor

City: San Francisco State: CA Zip Code: 94014

Prisoner Inmate or A Number (if applicable):

Signature /s/ Joseph M. Alioto Date 5/16/2025

Complete and file with the attached representation statement in the U.S. District Court

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

**UNITED STATES COURT OF APPEALS
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Form 6. Representation Statement

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>

Appellant(s) (*List each party filing the appeal, do not use “et al.” or other abbreviations.*)

Name(s) of party/parties:

DONALD FRY, KATHERINE ARCELL, JOSE BRITO, JAN-MARIE BROWN
ROSEMARY D'AUGUSTA, PAMELA FAUST, CAROLYN FJORD, DON
FREELAND, MICHAEL MALANEY, LEN MARAZZO, LISA MCCARTHY,

Name(s) of counsel (if any):

Joseph M. Alioto, Tatiana Wallace

Address: Alioto Law Firm, 1 Sansome St., 35th Floor, San Francisco, CA 94103

Telephone number(s): (415) 434-8900

Email(s): josephmalioto@aliotolaw.com, twallace@aliotolaw.com

Is counsel registered for Electronic Filing in the 9th Circuit? Yes No

Appellee(s) (*List only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.*)

Name(s) of party/parties:

Capital One Financial Corporation

Name(s) of counsel (if any):

Heather S. Nyong'o, Matthew M. Yelovich, Cleary Gottlieb Steen & Hamilton

Address: 650 California St., Suite 2400, San Francisco, CA 94108

Telephone number(s): (415) 796-4400

Email(s): hnyoung@cfsh.com; myelovich@cgsh.com

To list additional parties and/or counsel, use next page.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Continued list of parties and counsel:

Additional Plaintiffs:

**TIMOTHY NIEBOER, DEBORAH PULFER, BILL RUBINSOHN,
SONDRA RUSSELL, CLYDE STENSRUD, CHRISTINE WHALEN,
PAMELA WARD**